

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11665-RGS

FURUKAWA ELECTRIC
NORTH AMERICA, INC.; OFS FITEL LLC

v.

ANTARES DEVELOPMENT INTERNATIONAL, LLC

ORDER ON PLAINTIFFS' MOTION FOR CLARIFICATION
OF COURT'S SEPTEMBER 29, 2005 ORDER

November 21, 2005

STEARNS, D.J.

On June 10, 2005, plaintiffs Furukawa Electric North America (Furukawa) and OFS Fitel LLC (OFS) filed a patent infringement suit against Yangtze Optical Fibre and Cable Company Ltd. (YOFC), alleging that YOFC has infringed and is infringing certain OFS patents through its use, offer for sale, and sale of fiber optic products in the United States. See Furukawa Electric Company of North America, et al. v. Yangtze Optical Fibre and Cable Company Ltd., Civil Action No. 05-11219-RGS (YOFC case). Furukawa and OFS served the Summons and Complaint in the YOFC case on Crawford Cutts, the president of Antares Development International LLC. YOFC filed a motion to dismiss, alleging that service on Cutts was insufficient as to YOFC. On November 16, 2005, this court denied the motion to dismiss without prejudice, granting Furukawa and OFS one hundred and twenty (120) days to make proper service on YOFC under the Hague Convention. This court also denied YOFC's request to stay the proceedings pending resolution of a patent action in the Northern District of Georgia which Furukawa had brought against Sterlite

Optical Technologies (Civil action 02-CV-2149-CAP (N.D. Ga. Aug. 2, 2002).

Furukawa and OFS now ask the court to clarify its September 29, 2005 Order on Antares' Motion to Stay Proceedings, or In the Alternative, to Extend Time To Answer. This court had allowed the motion and stayed this matter until ruling on the pending motion to dismiss in the YOFC case. Consistent with the November 16, 2005 Order in the YOFC case, in which the court indicated it was not inclined to defer to the Georgia action, Antares will file an answer to the Complaint within twenty (20) days of this Order. See Fed. R. Civ. P. 12(a)(1)(A).

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE